

<b>Notice to Comply</b>	<b>Application No.</b> 10589054	<b>Applicant(s)</b> SOARES ET AL.	
	<b>Examiner</b> ZACHARY C. HOWARD	<b>Art Unit</b> 1646	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See accompanying PTO-90C Sequence Compliance Letter.

**Applicant Must Provide:**

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951  
 For CRF Submission Help, call (571) 272-2510  
 PatentIn Software Program Support  
 Technical Assistance, 1-866-217-9197 or 703-305-3028 or 571-272-6845  
 PatentIn Software is Available At [www.USPTO.gov](http://www.USPTO.gov)

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO. / CONTROL NO. 10589054	FILING DATE 4/1/08	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION SOARES ET AL.	ATTORNEY DOCKET NO. 0105US-UTL2
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EXAMINER  
ZACHARY C. HOWARD

RECEIVED

MAY 17 2010

AMYLIN PHARMACEUTICALS, INC.  
LEGAL DEPARTMENTART UNIT  
1646PAPER  
20100427

DATE MAILED

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Specifically, "formula I" in claim 5, and in the specification at ¶ [0087] (as published), is identified as SEQ ID NO: 34, but does not match SEQ ID NO: 34 in the Sequence Listing (filed 6/19/08). Specifically, in SEQ ID NO: 4, residues 2 and 7 are identified as "any amino or not present", but in "formula I", residues 2 and 7 are only identified as "X" and "Y".

APPLICANT IS GIVEN THREE MONTHS FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/efc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:  
Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 22313 1450  
Alexandria, VA 22313 1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:  
U.S. Patent and Trademark Office  
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401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Gary Nickol at telephone number (571)272-2877. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary B. Nickol, can be reached on (571)272-0835.

/Bridget E Bunner/  
Primary Examiner, Art Unit 1647